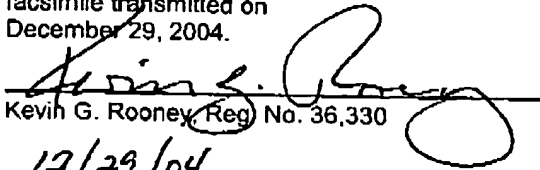


**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/711,480 is being facsimile transmitted on December 29, 2004.

  
Kevin G. Rooney, Reg. No. 36,330

12/29/04  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/711,480  
Filed: September 21, 2004  
Group Art Unit: Unknown  
Examiner: Unknown  
Applicant: Bogdan Radu et al.  
Title: AUTOMOTIVE STORAGE COMPARTMENT HAVING AN  
ELECTROLUMINESCENT LAMP AND METHOD OF MAKING  
THE SAME  
Attorney Docket: MASL-55  
Confirmation No.: 5479

Cincinnati, Ohio 45202

December 29, 2004

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. § 1.47(a)**  
**TO ACCEPT UNSIGNED DECLARATION**

Applicant Alan G. Dry, hereby petitions the Patent Office to accept the previously submitted and unsigned Declaration by Bogdan Radu, a joint inventor refusing to join in the above-referenced application for patent. Attached is a Statement of Facts in support thereof.

As set out in the accompanying Statement of Facts and attached Exhibits, joint inventor Alan G. Dry signed and submitted a Declaration in conjunction with the

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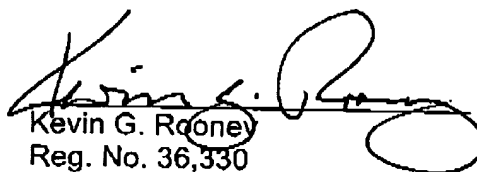
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filing of the above-referenced application. This Declaration was submitted without the signature of joint inventor Bogdan Radu. On one or more occasions, Mr. Radu was presented with the patent application along with a Declaration for execution through his attorney. Mr. Radu, however, continues to refuse to sign and join in the application for patent. In view thereof, Applicant requests acceptance of this petition to preserve his rights or to prevent irreparable damage.

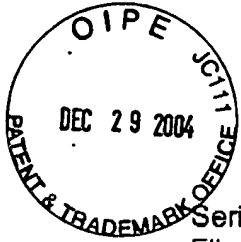
This is authorization for the Commissioner to charge \$200.00 for the petition fee to Deposit Account 23-3000. Applicant believes that no other fees are due in connection with this petition. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
Kevin G. Rooney  
Reg. No. 36,330

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324



## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/711,480  
Filed: September 21, 2004  
Art Unit: Unknown  
Applicant(s): Bogdan Radu and Alan G. Dry  
Title: AUTOMOTIVE STORAGE COMPARTMENT HAVING AN  
ELECTROLUMINESCENT LAMP AND METHOD OF MAKING THE  
SAME  
Atty. Docket: MASL-55  
Conf. No: 5479

Cincinnati, Ohio 45202

December 29, 2004

the specification of which:

- (a) ☐ is attached hereto
- (b) ☒ was filed on September 21, 2004, and was accorded Application Serial No. 10/711,480.
- (c) ☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_  
(If any).

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NON-SIGNING INVENTOR (37 CFR §1.47a)**

This statement is being made to provide proof of the pertinent facts establishing the efforts made to obtain execution of a Declaration by Bogdan Radu, the non-signing joint inventor, and his refusal to sign same for the above-identified patent application. Accordingly, this action is necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

Name: Steven W. Benintendi  
Address: Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202

**LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR**

Name of non-signing inventor: Bogdan Radu  
Last known address of non-signing inventor: 16011 Knollwood Drive, Dearborn,  
Michigan 48120

**STATEMENT OF FACTS**

I am an attorney for the law firm of Wood, Herron & Evans, LLP. On, or about, July 1, 2004, I began corresponding with Bogdan Radu to enable me to prepare the above referenced and now filed U.S. patent application. At that time, Mr. Radu was an employee of the Lear Corporation. The invention was made jointly by Mr. Radu and Mr. Alan G. Dry while employed by the Lear Corporation. Mr. Radu agreed in writing to assign all inventions made during employment to the Lear Corporation, as evidenced by the "Employee Confidential Information and Intellectual Property Agreement" attached as Exhibit A. It is apparent that Mr. Radu signed this document on October 17, 2001.

Between July 1, 2004 and August 19, 2004, Mr. Radu and I corresponded on several occasions to discuss additional information that Mr. Radu agreed to supply to assist in the preparation of the patent application. On August 19, 2004, I received a letter from Mr. Radu's personal attorney, Karen Smith Kienbaum, as an attachment to

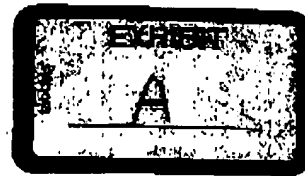
an e-mail, requesting that all contact with Mr. Radu be ceased. A copy of this correspondence is attached as Exhibit B.

On September 20, 2004, the Lear Corporation authorized Wood, Herron and Evans, L.L.P. to file the U.S. application subsequently accorded Application Serial No. 10/711,480 with the U.S. Patent & Trademark Office along with the Declaration of Exhibit C signed by Mr. Dry but unsigned by Mr. Radu.

On November 12, 2004, a copy of the patent application and a Declaration were forwarded along with a letter to Mr. Radu's counsel requesting execution of the Declaration by Bogdan Radu. This letter further requested that the executed Declaration be received by December 3, 2004. The delivery receipt for this letter, however, was returned unsigned. Thus, on November 24, 2004, I sent a second letter, along with a copy of the patent application and Declaration requesting that the executed Declaration be received by December 10, 2004. A signed delivery receipt was returned for the second letter. A copy of the letters are attached as Exhibit D, which also includes a copy of both delivery receipts. To date, I have received neither a response to my letter nor a signed Declaration.

Date: 12/29/04

Steven W. Benintendi  
Steven W. Benintendi



## EMPLOYEE CONFIDENTIAL INFORMATION

AND

## INTELLECTUAL PROPERTY AGREEMENT

In accord with company policy applicable to me and employees in comparable positions, and in consideration of my employment or continuation of employment by Lear Corporation, Manufacturing Operations Division, or any of its subsidiary or affiliated Companies (hereinafter for convenience referred to as "Lear"), I agree as follows:

All improvements, inventions, designs, and useful ideas conceived or made by me during my employment, or for three (3) years following my employment if based upon information I learned during my employment, which relate in any way to Lear's business shall be disclosed promptly in writing, drawing, or other tangible form to Lear and shall be its exclusive property. When requested, I agree to return to Lear all tangible embodiments therein together with all copies thereof and to execute applications, assignments, and other instruments to convey to Lear the exclusive right, title, and interest therein, and to render all other assistance which Lear deems necessary to make application for and obtain patents, trademarks or copyrights in the United States and other countries. This obligation shall continue beyond the term of my employment as to improvements, inventions, designs, and useful ideas conceived or made during the periods specified above.

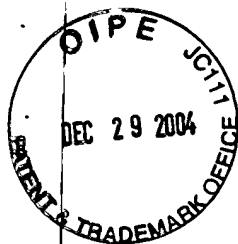
I also agree that I will not, either during or after my employment, disclose or use any confidential or secret information pertaining to Lear's business, without permission of Lear in writing, nor otherwise engage in any activity detrimental to Lear's interests.

ACCEPTED \_\_\_\_\_  
Lear Representative

SIGNED *Reesh Boyd*  
Employee

DATE \_\_\_\_\_

DATE 17 Oct 2001



Karen Smith Kienbaum & Associates  
400 Monroe, Suite 470, Detroit, MI 48226  
313 967-0700/fax 313 967-0244/www.ksklaw.com

A law practice emphasizing Labor, Employment  
and Alternate Dispute Resolution (ADR)



August 19, 2004

**Transmitted by Email**

Stephen W. Benintendi, Esq.  
Wood, Herron and Evans  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917

**CONFIDENTIAL**

**Re: Mr. Bogdan Radu**

Dear Mr. Benintendi,

Our office represents Mr. Bogdan Radu (patent applications #04961, #04962, #04981). Your client Lear Corporation has recently terminated Mr. Radu. Therefore, because Lear no longer employs Mr. Radu, we ask that your office refrain from contacting him regarding any of his patent submissions, or for any other matter. Hopefully Mr. Radu will be able to work out an agreement with Lear that will allow him to continue to work with you and your firm as a consultant regarding any pending patents.

Thank you in advance for your anticipated cooperation. If you have any questions please feel free to contact my office at (313) 967-0700. If I am not available please speak with my colleague, Darren Burmania.

Sincerely,

Karen Smith Kienbaum & Associates

Karen Smith Kienbaum

KSK:lmn

**WOOD, HERRON & EVANS, L.L.P.**

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988  
TRUMAN A. HERRON 1935-1976  
EDWARD S. EVANS 1938-1971

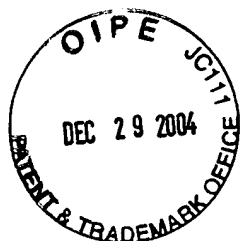
JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
KATHRYN E. SMITH  
KRISTI L. DAVIDSON  
P. ANDREW BLATT, PH. D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, PH. D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
WESLEY L. STRICKLAND  
STEVEN W. BENINTENDI, PH. D.  
RANDALL S. JACKSON, JR.

\*ADMITTED ONLY IN DC AND VA

BRUCE TITTEL  
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DAVID J. JOSEPHIC  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
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THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
SEVERLY A. LYMAN, PH. D.

OF COUNSEL  
JOHN D. POFFENBERGER  
THOMAS W. FLYNN



November 12, 2004

Certified Mail  
Return Receipt Requested



Karen Smith Kienbaum, Esq.  
Karen Smith Kienbaum & Associates  
400 Monroe  
Suite 470  
Detroit, MI 48226

Re: Mr. Bogdan Radu  
Patent Application No. 10/711,480 filed September 21, 2004  
**AUTOMOTIVE STORAGE COMPARTMENT HAVING AN  
ELECTROLUMINESCENT LAMP AND METHOD OF MAKING THE  
SAME**  
Our ref: MASL-55; Lear No. 04981

Dear Ms. Kienbaum,

Your correspondence to us, dated August 19, 2004, requested we refrain from contacting Mr. Radu regarding any of his patent submissions, or for any other matter. Accordingly, I am contacting you as legal counsel for Bogdan Radu and trust that you will promptly communicate this to your client.

As you are aware, Bogdan Radu is currently named as an inventor in the above-identified patent application (copy enclosed). As such, please also find enclosed a Declaration, and an Assignment for execution by Mr. Radu. Finally, we have enclosed a document entitled §1.56 Duty to Disclose Information Important to Patentability which needs to be initialed by Mr. Radu. Please note that the §1.56 Duty to Disclose Information Important to Patentability form explains the importance of disclosing to us all information known by Mr. Radu that may be



WOOD, HERRON & EVANS, LLP

Karen Smith Kienbaum, Esq.  
November 12, 2004  
Page 2

relevant to the invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

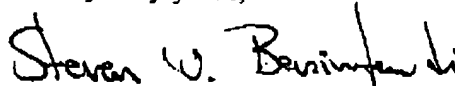
In view of the recent filing of this patent application, the enclosed Declaration and Assignment must now be executed and filed with the U.S. Patent and Trademark Office. It is our understanding that Mr. Radu is required to assign his rights in this application to Lear Corporation (see enclosed "Employee Confidential Information and Intellectual Property Agreement").

Kindly attend to the execution of the enclosed documents by Mr. Radu. Prior to his execution of the Declaration and the Assignment, please verify that his information is correct as presented on the documents. When Mr. Radu executes these documents, be sure that blue ink is used. Please also note that the Assignment must be notarized.

Please forward the executed documents to us so that we receive them no later than Friday, December 3, 2004. You may fax the documents to my attention at the number listed above, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call.

Very truly yours,



Steven W. Benintendi, Ph.D.

SWB/slh  
Enclosures  
cc: Kevin G. Rooney, Esq.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Karen Smith Kienbaum, Esq.  
Karen Smith Kienbaum & Assoc.  
400 Monroe  
Suite 470  
Detroit, MI 48226

## 2. Article Number

(Transfer from service label)

7004 0550 0001 3918 7578

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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## A. Signature

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☐ Agent☐ Addressee

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**WOOD, HERRON & EVANS, L.L.P.**

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441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

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WEBSITE: www.whepatent.com

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AND RELATED LITIGATIONEDMUND P. WOOD 1923-1968  
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THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph. D.OF COUNSEL  
JOHN D. POFFENBERGER  
THOMAS W. FLYNN

November 24, 2004

**Certified Mail**  
**Return Receipt Requested**Karen Smith Kienbaum, Esq.  
Karen Smith Kienbaum & Associates  
400 Monroe  
Suite 470  
Detroit, MI 48226Re: Mr. Bogdan Radu  
Patent Application No. 10/711,480 filed September 21, 2004  
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WOOD, HERRON & EVANS, LLP

Karen Smith Kienbaum, Esq.  
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Page 2

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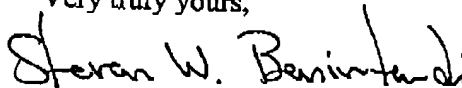
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We previously sent this letter along with the enclosures via certified mail on November 12, 2004, however we did not receive the return receipt postcard for our records and are resending the documents via certified mail.

If you have any questions, please do not hesitate to call.

Very truly yours,



Steven W. Benintendi, Ph.D.

SWB/slh  
Enclosures  
cc: Kevin G. Rooney, Esq.



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Karen Smith</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Karen Smith Kienbaum, Esq. Karen Smith Kienbaum &amp; Assoc. 400 Monroe, Suite 470 Detroit, MI 48226</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label) <b>7004 0550 0001 3918 7639</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102585</p>	